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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/598,256	06/21/2000	Akihiro Miyazaki	2000-0761A	7312
7590 04/22/2004				
Wenderoth Lind & Ponack LLP				
Suite 800				
2033 K Street N W				
Washington, DC 20006				
		EXAMINER		
		TSEGAYE, SABA		
		ART UNIT		PAPER NUMBER
		2662		8
DATE MAILED: 04/22/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/598,256

Applicant(s)

MIYAZAKI ET AL.

Examiner

Saba Tsegaye

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08 March 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 41-54 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 41-54 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4, 6.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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### **DETAILED ACTION**

1. The abstract of the disclosure is objected to because it exceeds 150 words in length.

Correction is required. See MPEP § 608.01(b).

2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 51-54 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 51:

Line 7, it is not clear whether "a compressed packet" refers to the same "a compressed packet" cited in line 5.

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are

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such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 41, 44, 48 and 51 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Cugnini et al. (4,602,381) in view of Geiger (US 5,701,302).

Cugnini discloses a radiobroadcasting system that transmits both the usual difference signal and a compressed version of the difference signal to one or more remote receivers. At the receiver the usual, unchanged, difference signal is used as a reference signal for controlling the expansion of the compressed difference signal. The availability of the usual uncompressed difference signal at receiver enables the adaptive decoding of dynamic parameters of the received signal so that all of the parameters of the original signal can be restored automatically.

However, Cugnini does not expressly disclose that the radio broadcasting system uses a radio packet system.

Geger teaches a method and apparatus for adaptively compressing (Fig. 5) and expanding (Fig. 6) radio data packets in a data communication system.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use a radio packet, such as that suggested by Geger in the system of Cugnini in order to provide a packet transmission scheme that operates in limited bandwidth environment.

7. Claims 42, 43, 45-47, 49, 50 and 52-54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cugnini in view of Geger as applied to claims 41, 44, 48 and 51 above, and further in view of The Admitted Prior Art (page 11).

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Cugnini in view of Geger discloses all the claim limitations as stated above, except for: a notification indicating an occurrence of a restoration error and transmitting the uncompressed packet in response to the notification (as in claims 43, 47, 50 and 54); discard only an error packet when a restoration error occurs (as in claims 46 and 53); and continuously transmitting the uncompressed packet containing the same transmission data a plurality times (as in claims 42, 45, 49 and 52).

Regarding claims 43, 46, 47, 50, 53 and 54, The Admitted Prior Art teaches a notification indicating an occurrence of a restoration error and transmitting the uncompressed packet in response to the notification. Further, The Admitted Prior Art teaches that all the all of the compressed packets are discarded when a restoration error occurs.

It would have been obvious to one ordinary skill in the art at the time the invention was made to add a method that transmits the uncompressed packet in response to the notification which indicates an occurrence of a restoration error and discard an error packet, such as that suggested by The Admitted Prior Art, in the method of Cugnini in view of Geger in order to provide error recovery and enhance accuracy.

Regarding claims 42, 45, 49 and 52, it would have been obvious to one ordinary skill in the art at the time the invention was made to add a method that transmits continuously uncompressed packet containing the same transmission data in the method of Cugnini in view of Geger in order to enhance accuracy.

***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kozdon et al. (US 6,456,618) discloses a method and apparatus for DTM signaling on compressed voice networks.


Chou (US 5,850,526) discloses a low-level compression in a local area network.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Saba Tsegaye whose telephone number is (703) 308-4754. The examiner can normally be reached on Monday-Friday (7:30-5:00), First Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou can be reached on (703) 305-4744. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ST  
April 15, 2004

  
**JOHN PEZZLO**  
**PRIMARY EXAMINER**